

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

**EUGENE AKEEM BOWIE
aka Eugene Jackson**

CIVIL ACTION NO. 07-2224

VERSUS

JUDGE ROBERT G. JAMES

STEVE PYLANT, ET AL.

MAG. JUDGE KAREN L. HAYES

RULING

_____ Pending before the Court is a civil rights complaint filed by Plaintiff Eugene Akeem Bowie, also known as Eugene Jackson. On January 22, 2008, Magistrate Judge Karen L. Hayes issued a Report and Recommendation [Doc. No. 4] recommending that Plaintiff's complaint be dismissed.

Having reviewed the record in this matter, including Plaintiff's objections, the Court ADOPTS IN PART and DECLINES TO ADOPT IN PART Magistrate Judge Hayes' Report and Recommendation.

The Court ADOPTS Magistrate Judge Hayes' factual findings and analysis, which are correct under applicable law, **except** as to Part 4, Conditions of Confinement.

In Part 4, Magistrate Judge Hayes found that Plaintiff had not alleged a physical injury "resulting from his extended stay in the FPDC Confinement Cell or as a result of the three month assignment to administrative segregation." [Doc. No. 4, p. 6].

However, in objections filed on January 29, 2008, Plaintiff contends that he has recently undergone an "operation from being confine[d] in an unsanitary suicide cell #175 and sprayed in my eyes and beat up for not wanting to stay in a suicide cell where there was [feces] and urin[e]

on the floo[r], mix[ed] with human blood and food.” [Doc. No. 5, p. 1].

Given Plaintiff’s recent allegations of physical injury, the Court DECLINES TO ADOPT Part 4 of Magistrate Judge Hayes’ Report and Recommendation, and REMANDS this matter for further proceedings on Plaintiff’s conditions of confinement claim.

_____MONROE, LOUISIANA, this 25th day of February, 2008.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE